

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1159

Citations Affected: IC 12-7-2-131.3; IC 12-7-2-174.8; IC 12-10-18; IC 22-14-2-12; IC 34-30-2-43.3; IC 34-30-2-152.2; IC 35-44-2-2; IC 35-45-17; IC 35-47-13.

Synopsis: Law enforcement. Conference committee report for EHB 1159. Provides that a law enforcement agency that receives a credible notification concerning a missing endangered adult may prepare and forward a report concerning the missing endangered adult to: (1) other law enforcement agencies; (2) the National Crime Information Center; (3) the data and communication system; and (4) broadcasters in the area where the missing endangered adult may be located. Provides that a law enforcement agency may forward the report to a newspaper. Provides civil immunity to a broadcaster or newspaper that receives an endangered adult medical alert. Makes filing a false report concerning a missing endangered adult a Class B misdemeanor. Requires state and local law enforcement agencies to issue annually to their retired law enforcement officers a photographic identification. Allows a retiring member of the arson division of the office of the state fire marshal to retain the member's service weapon and requires the office to issue the retiring member a badge and an identification card. Requires a retired law enforcement officer who carries a concealed firearm under federal law to obtain annually, at the officer's expense, an endorsement or certification that the officer meets the training and qualification standards to carry that type of firearm. Provides that an entity that provides the endorsement or certification is immune from civil or criminal liability for providing the endorsement or certification. Makes it a Class C misdemeanor for a person to panhandle at certain times, in certain locations, or while engaging in certain activities. **(This conference committee report does the following: Specifies that a broadcaster's or publisher's compliance with a request to broadcast information concerning a missing endangered adult is voluntary. Provides that a broadcaster or publisher is immune from civil liability if the broadcaster or publisher elects not to broadcast or publish information concerning a missing endangered adult. Adds provisions concerning identification for retired law enforcement officials. Makes it a Class C misdemeanor for a person to commit panhandling in certain circumstances.)**

Effective: Upon passage; July 1, 2005.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1159 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 12-7-2-131.3 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: Sec. 131.3. "Missing endangered
- 5 adult", for purposes of IC 12-10-18, means an individual at least
- 6 eighteen (18) years of age who is reported missing to a law
- 7 enforcement agency and is, or is believed to be:
- 8 (1) a temporary or permanent resident of Indiana;
- 9 (2) at a location that cannot be determined by an individual
- 10 familiar with the missing individual; and
- 11 (3) incapable of returning to the missing individual's residence
- 12 without assistance by reason of:
- 13 (A) mental illness;
- 14 (B) mental retardation;
- 15 (C) dementia; or
- 16 (D) another physical or mental incapacity of managing or
- 17 directing the management of the individual's property or
- 18 providing or directing the provision of self-care.
- 19 SECTION 2. IC 12-7-2-174.8 IS ADDED TO THE INDIANA
- 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2005]: Sec. 174.8. "Endangered adult
- 22 medical alert" means an alert indicating that law enforcement
- 23 officials are searching for a missing endangered adult.

SECTION 3. IC 12-10-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 18. Reports of Missing Endangered Adults

Sec. 1. (a) A law enforcement agency that receives a notification concerning a missing endangered adult from:

(1) the missing endangered adult's:

(A) guardian;

(B) custodian; or

(C) guardian ad litem; or

(2) an individual who:

(A) provides the missing endangered adult with home health aid services;

(B) possesses a health care power of attorney for the missing endangered adult; or

(C) has evidence that the missing endangered adult has a condition that may prevent the missing endangered adult from returning home without assistance;

shall prepare an investigative report on the missing endangered adult, if based on the notification, the law enforcement agency has reason to believe that an endangered adult is missing.

(b) The investigative report described in subsection (a) may include the following:

(1) Relevant information obtained from the notification concerning the missing endangered adult, including the following:

(A) A physical description of the missing endangered adult.

(B) The date, time, and place that the missing endangered adult was last seen.

(C) The missing endangered adult's address.

(2) Information gathered by a preliminary investigation, if one was made.

(3) A statement by the law enforcement officer in charge setting forth that officer's assessment of the case based upon the evidence and information received.

Sec. 2. The law enforcement agency shall prepare the investigative report described by section 1 of this chapter as soon as practicable, and if possible not later than five (5) hours after the law enforcement agency receives notification of a missing endangered adult.

Sec. 3. (a) Upon completion of the report described by section 1 of this chapter, if the law enforcement agency has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement agency may immediately forward the contents of the report to:

(1) all law enforcement agencies that have jurisdiction in the location where the missing endangered adult lives and all law enforcement agencies that have jurisdiction in the location where the missing endangered adult was last seen;

(2) all law enforcement agencies to which the person who made the notification concerning the missing endangered adult

requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information received;

(3) all law enforcement agencies that request a copy of the report;

(4) one (1) or more broadcasters that broadcast in an area where the missing endangered adult may be located;

(5) the Indiana data and communication system (IDACS); and

(6) the National Crime Information Center's Missing Person File, if appropriate.

(b) Upon completion of the report described by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered adult may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency may request that the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

(d) A broadcaster or newspaper that receives a request concerning a missing endangered adult under subsection (c) may, at the discretion of the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

Sec. 4. A law enforcement agency may begin an investigation concerning a missing endangered adult as soon as possible after receiving notification of the missing endangered adult.

Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a missing endangered adult shall notify the law enforcement agency when the missing endangered adult is found.

Sec. 6. (a) A broadcaster or newspaper that receives a report of a missing endangered adult from a law enforcement agency under section 3 of this chapter is immune from civil liability for an act or omission related to:

(1) the broadcast or publication of information contained in the report, including:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult; or

(2) the decision of the broadcaster or newspaper not to broadcast or publish information contained in the report.

(b) The civil immunity described in subsection (a) does not apply

1 to an act or omission that constitutes gross negligence or willful,
2 wanton, or intentional misconduct.

3 SECTION 4. IC 22-14-2-12 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2005]: **Sec. 12. Whenever a member of the arson division**
6 **of the office retires after at least twenty (20) years of service, the**
7 **office shall, in recognition of the member's service to the office, do**
8 **the following:**

9 (1) Allow the member to retain the service weapon issued to the
10 member by the office.

11 (2) Issue the member a badge that indicates the member is a
12 retired member of the arson division of the office.

13 (3) Issue the member an identification card that contains the
14 following information:

15 (A) The name of the office and the arson division.

16 (B) The name of the member.

17 (C) The member's position title before the member's
18 retirement.

19 (D) A statement that the member is retired.

20 (E) A statement that the member is authorized to retain the
21 service weapon issued to the member by the office.

22 SECTION 5. IC 34-30-2-43.3 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2005]: **Sec. 43.3. IC 12-10-18-6 (Concerning**
25 **a broadcaster or newspaper that receives a report concerning an**
26 **endangered adult medical alert).**

27 SECTION 6. IC 34-30-2-152.2 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: **Sec. 152.2. IC 35-47-13-6**
30 **(Concerning the state or a law enforcement agency for issuing**
31 **evidence that a retired law enforcement officer meets the training**
32 **and qualification standards to carry certain firearms).**

33 SECTION 7. IC 35-44-2-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2. (a) As used in this**
35 **section, "consumer product" has the meaning set forth in IC 35-45-8-1.**

36 (b) As used in this section, "misconduct" means a violation of a
37 departmental rule or procedure of a law enforcement agency.

38 (c) A person who reports, by telephone, telegraph, mail, or other
39 written or oral communication, that:

40 (1) the person or another person has placed or intends to place an
41 explosive, a destructive device, or other destructive substance in a
42 building or transportation facility;

43 (2) there has been or there will be tampering with a consumer
44 product introduced into commerce; or

45 (3) there has been or will be placed or introduced a weapon of mass
46 destruction in a building or a place of assembly;

47 knowing the report to be false commits false reporting, a Class D
48 felony.

49 (d) A person who:

50 (1) gives a false report of the commission of a crime or gives false
51 information in the official investigation of the commission of a

crime, knowing the report or information to be false;
 (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
 (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
 (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) **or missing endangered adult (as defined in IC 12-7-2-131.3)** or gives false information in the official investigation of a missing child **or missing endangered adult** knowing the report or information to be false; or
 (5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

SECTION 8. IC 35-45-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 17. Panhandling

Sec. 1. (a) As used in this chapter, "panhandling" means to solicit an individual:

(1) on a street or in another public place; and

(2) by requesting an immediate donation of money or something else of value.

(b) The term includes soliciting an individual:

(1) by making an oral request;

(2) in exchange for:

(A) performing music;

(B) singing; or

(C) engaging in another type of performance; or

(3) by offering the individual an item of little or no monetary value in exchange for money or another gratuity under circumstances that would cause a reasonable individual to understand that the transaction is only a donation.

(c) The term does not include an act of passively standing, sitting, performing music, singing, or engaging in another type of performance:

(1) while displaying a sign or other indication that a donation is being sought; and

(2) without making an oral request other than in response to an inquiry by another person.

Sec. 2. A person who knowingly or intentionally does any of the following commits panhandling, a Class C misdemeanor:

(1) Panhandling after sunset and before sunrise.

(2) Panhandling when the individual being solicited is:

(A) at a bus stop;

(B) in a:

- 1 (i) vehicle; or
- 2 (ii) facility;
- 3 used for public transportation;
- 4 (C) in a motor vehicle that is parked or stopped on a public
- 5 street or alley, unless the person soliciting the individual has
- 6 the approval to do so by a unit of local government that has
- 7 jurisdiction over the public street or alley;
- 8 (D) in the sidewalk dining area of a restaurant; or
- 9 (E) within twenty (20) feet of:
 - 10 (i) an automated teller machine; or
 - 11 (ii) the entrance to a bank.
- 12 (3) Panhandling while touching the individual being solicited
- 13 without the solicited individual's consent.
- 14 (4) Panhandling while the individual being solicited is standing
- 15 in line and waiting to be admitted to a commercial
- 16 establishment.
- 17 (5) Panhandling while blocking:
 - 18 (A) the path of the individual being solicited; or
 - 19 (B) the entrance to a building or motor vehicle.
- 20 (6) Panhandling while using profane or abusive language:
 - 21 (A) during a solicitation; or
 - 22 (B) after the individual being solicited has declined to donate
 - 23 money or something else of value.
- 24 (7) Panhandling while making a statement, a gesture, or
- 25 another communication to the individual being solicited that
- 26 would cause a reasonable individual to:
 - 27 (A) fear for the individual's safety; or
 - 28 (B) feel compelled to donate.
- 29 (8) Panhandling with at least one (1) other individual.
- 30 (9) Panhandling and then following or accompanying the
- 31 solicited individual without the solicited individual's consent
- 32 after the solicited individual has declined to donate money or
- 33 something else of value.
- 34 SECTION 9. IC 35-47-13 IS ADDED TO THE INDIANA CODE
- 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 36 UPON PASSAGE]:
- 37 **Chapter 13. Retired Law Enforcement Officers Identification for**
- 38 **Carrying Firearms**
- 39 **Sec. 1. As used in this chapter, "firearm" has the meaning set**
- 40 **forth in 18 U.S.C. 926C(e).**
- 41 **Sec. 2. As used in this chapter, "law enforcement agency" means**
- 42 **an agency or a department of:**
 - 43 (1) the state; or
 - 44 (2) a political subdivision of the state;
- 45 **whose principal function is the apprehension of criminal offenders.**
- 46 **Sec. 3. As used in this chapter, "law enforcement officer" has the**
- 47 **meaning set forth in IC 35-41-1-17(a). The term includes an arson**
- 48 **investigator employed by the office of the state fire marshal.**
- 49 **Sec. 4. After June 30, 2005, all law enforcement agencies shall**
- 50 **issue annually to each person who has retired from that agency as**
- 51 **a law enforcement officer a photographic identification.**

1 **Sec. 5. (a) In addition to the photographic identification issued**
 2 **under section 4 of this chapter, after June 30, 2005, a retired law**
 3 **enforcement officer who carries a concealed firearm under 18**
 4 **U.S.C. 926C must obtain annually, for each type of firearm that the**
 5 **retired officer intends to carry as a concealed firearm, evidence**
 6 **that the retired officer meets the training and qualification**
 7 **standards to carry that type of firearm established:**

8 **(1) by the retired officer's law enforcement agency, for active**
 9 **officers of the agency; or**

10 **(2) by the state, for active law enforcement officers in the state.**
 11 **A retired law enforcement officer bears any expense associated**
 12 **with obtaining the evidence required under this subsection.**

13 **(b) The evidence required under subsection (a) is one (1) of the**
 14 **following:**

15 **(1) For compliance with the standards described in subsection**
 16 **(a)(1), an endorsement issued by the retired officer's law**
 17 **enforcement agency with or as part of the photographic**
 18 **identification issued under section 4 of this chapter.**

19 **(2) For compliance with the standards described in subsection**
 20 **(a)(2), a certification issued by the state.**

21 **Sec. 6. An entity that provides evidence required under section**
 22 **5 of this chapter is immune from civil or criminal liability for**
 23 **providing the evidence.**

24 **SECTION 10. [EFFECTIVE JULY 1, 2005] IC 35-44-2-2, as**
 25 **amended by this act, and IC 35-45-17-2, as added by this act, apply**
 26 **only to crimes committed after June 30, 2005.**

27 **SECTION 11. An emergency is declared for this act.**
 (Reference is to EHB 1159 as reprinted April 5, 2005.)

Conference Committee Report
on
Engrossed House Bill 1159

Signed by:

Representative Smith J
Chairperson

Senator Zakas

Representative Summers

Senator Craycraft

House Conferees

Senate Conferees